

## SECTION II—REMARKS

Applicants thank the Examiner for a thorough review, and respectfully request reconsideration of the above referenced patent application for the following reasons:

### **Allowable subject matter**

The Office Action at page 13, last paragraph, states that “[c]laims 11 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims.

Applicants acknowledge the allowability of claims 11 and 29. As set forth below in reference to the 35 U.S.C. § 102 rejection, Applicants have incorporated the allowable subject matter of claims 11 or 29 into each of the independent claims pending in the application to place such claims into condition for allowance.

### **Claim 36 rejected under 35 U.S.C. § 101**

The Office Action rejected claim 36 under 35 U.S.C. § 101 stating that the claim is “directed to non-statutory subject matter,” given that the term “‘computer accessible medium’ ... encompasses both storage mediums and transport mediums, such as carrier wave signal mediums,” as defined by *The Authoritative Dictionary of IEEE Standard Terms*, 7th ed., 2000.

Accordingly, the Examiner kindly recommended that Applicants amend the claim to recite “a system readable storage medium,” as taught in the specification at page 58, paragraph 126.

Applicants have amended independent claim 36 and as well as those claims which depend upon claim 36 in accordance with the Examiner’s recommendation. Thus, Applicants

respectfully submit that the amendments overcome the rejection and request the Examiner to withdraw the rejection to independent claim 36.

**Claims 1-4, 10, 12-15, 18-22, 25, 28, 30-33, and 36-38 rejected under 35 U.S.C. § 102**

The Office Action rejected dependent claims 1-4, 10, 12-15, 18-22, 25, 28, 30-33, and 36-38 rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent Application Publication No. 2003/0204645 to Sharma et al. ("Sharma").

**Independent claim 1**

The Office Action at page 13, last paragraph, states that dependent claim 11 would be allowable if "rewritten in independent form." Dependent claim 11, canceled herein without prejudice, has been rewritten in its independent form as independent claim 1, amended herein. Thus, amended independent claim 1 recites subject matter which is not disclosed by the prior art of record, as indicated in the Office Action at page 13, last paragraph through page 14, first paragraph.

Accordingly, Applicants respectfully submit that independent claim 1 is not anticipated by Sharma and is in condition for allowance.

**Independent claim 29**

Similar to the above remarks with respect to claim 1, the Office Action also indicated the allowability of dependent claim 29. Applicants have rewritten dependent claim 29 into its parent claim, independent claim 19.

Accordingly, Applicants submit that claim 29 is not anticipated by Sharma and is in condition for allowance as the claim recites subject matter indicated as allowable by the office action.

**Remaining claims rejected under 35 U.S.C. § 102**

Applicants further submit that independent claims 12, 30, and 36 have been amended herein to recite limitations similar to those of independent claim 1, including the subject matter of claim 1 incorporated from allowable dependent claim 11.

Accordingly, Applicants respectfully submit that independent claims 12, 30, and 36, as amended herein, are not anticipated by Sharma and are in condition for allowance, for at least the same reasons as set forth above with respect to independent claim 1. Moreover, Applicants submit that those claims which depend upon independent claims 1, 12, 19, 30, and 36 incorporate the limitations of the independent claims upon which they rely, and thus, are not anticipated by Sharma and are in condition for allowance for at least the same reasons as their independent parent claims.

In accordance with the preceding remarks, Applicants respectfully request the Examiner to withdraw the rejection to claims 1-4, 10, 12-15, 18-22, 25, 28, 30-33, and 36-38.

**Dependent claims 5-9, 16-17, 23-24, 26-27, 34-35, and 39-40 rejected under 35 U.S.C. § 103**

The Office Action rejected dependent claims 5-9, 16-17, 23-24, 26-27, 34-35, and 39-40 rejected under 35 U.S.C. § 103 as being unpatentable over various combinations of Sharma in view of U.S. Patent Application Publication No. 2003/0126136 to Omoigui (“Omoigui”), U.S. Patent Application Publication No. 2004/0172555 to Beringer et al. (“Beringer”), and U.S. Patent Application Publication No. 2004/0199636 to Brown et al. (“Brown”). In particular, the

Office Action rejected claims 5, 6, 16, 23, 24, 34, and 40 under 35 U.S.C. § 103(a) as being unpatentable over Sharma in view of Omoigui, claims 7, 17, 35, and 39 under 35 U.S.C. § 103(a) as being unpatentable over Sharma in view of Beringer, and claims 8, 9, 26, and 27 under 35 U.S.C. § 103(a) as being unpatentable over Sharma in view of Brown.

Omoigui, Beringer, and Brown, whether considered alone or in any combination, fail to cure the deficiencies of Sharma as each fails to disclose subject matter within claims 11 and 29 indicated by the Office Action at page 13 as allowable over the prior art of record.

Dependent claims 5-9, 16-17, 23-24, 26-27, 34-35, and 39-40, which rely directly or indirectly upon independent claims 1, 12, 19, 30, and 36, incorporate all the limitations of the independent base claims upon which they depend, and thus, are patentable over the references and in condition for allowance for at least the same reasons as discussed above with reference to the rejection of independent claim 1 under 35 U.S.C. § 102.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection to dependent claims 5-9, 16-17, 23-24, 26-27, 34-35, and 39-40.

## CONCLUSION

Given the above amendments and accompanying remarks, all claims pending in the application are in condition for allowance. If the undersigned attorney has overlooked subject matter in any of the cited references that is relevant to allowance of the claims, the Examiner is requested to specifically point out where such subject matter may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (503) 439-8778.

### **Charge Deposit Account**

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

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